

REMARKS

Remarks below follow the headings from the subject office action.

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Restriction / Election

1,2. Applicant acknowledges the restrictions and subsequent elections as outlined by examiner.

Claims Rejections - 35 USC § 112

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3,4. Applicant respectfully disagrees with examiner as regards points 3 and 4.

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Claim 44, which is the independent claim for claims 44-50, claims a subassembly of the firearm projectile assembly apparatus of claim 1. Clearly, the disclosure enables a person of ordinary skill to make and use such a firearm projectile assembly apparatus.

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The disclosure also enables a person of ordinary skill to make each of the subassemblies which comprise the overall firearm projectile assembly apparatus. Claim 44 is not suggesting that one could take a "bullet subassembly comprising a hollow core running completely through said bullet subassembly from a front of said bullet subassembly to a rear of said bullet subassembly," put that subassembly into a shotgun, and fire it at a target such that the bullet will expand when it strikes a target. Rather, claim 44 claims applicant's bullet at an interim stage of its overall manufacturing. A person of ordinary skill in munitions manufacturing, most certainly would be able, based on applicant's

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disclosure and the various figures, to fabricate "a hollow core running completely through said bullet subassembly from a front of said bullet subassembly to a rear of said bullet subassembly."

Claim 44 in no way suggests that this subassembly could then be
5 fired, as is, from a weapon. But the intention of the claim is to claim a subassembly of the overall article of manufacture, which could, in principle, be independently manufactured before further steps are taken to assemble the entire expanding bullet including the core material and other components. Claim 44 is,
10 however, nevertheless amended at applicant's initiative to recite some additional features of applicant's bullet.

Claim 66, which is the independent claim for claims 66-80, similarly recites subassemblies used in the manufacturing of the bullet while are fully disclosed and enabled both individually,
15 and in terms of their interconnections. Nevertheless, without prejudice to later pursuit of the original claim 66, applicant has amended claim 66, as suggested by examiner, to recite that the expansion-inducing tip is "integral with a core material within at least part of said hollow core."

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5-6. As regards claim 19, paragraph 96 of applicant's disclosure discloses the following: "Figure 19 also illustrates an alternative preferred embodiment for gas check **103**. It was earlier noted that is very desirable to provide a controlled air
25 space **107** for proper powder burn, and a number of embodiments were illustrated and discussed for doing so. Another option is to provide a solid, porous material such as but not limited to

woven fiber and porous cork. The pores of the porous materials provide controlled air space **107**, while solid material serves the same function as powder-excluding protrusions **119** insofar as it excludes powder from entering the controlled air spaces **107** and thus provides the "control" over these air spaces."

Examiner states that it is "unknown how a solid material can be porous." The discussion of paragraph 96 provides some clear examples of what is meant by a "solid" material which is at the same time "porous," namely, "such as but not limited to woven fiber and porous cork." In addition, applicant teaches, from a functional viewpoint, that the "pores of the porous materials provide [a] controlled air space" while the "solid material . . . excludes powder from entering the controlled air spaces"

introduced by the pores. This should provide ample guidance, both in terms of examples and in terms of intended function, for someone reading the patent claim to have fair notice of what is and is not included within the scope of the claim.

Notwithstanding, applicant has amended claim 19 to remove the word "solid," and adjusted the rest of the claim accordingly.

Claim 32, through not mentioned by examiner, is similarly amended.

Claim 23 is cancelled.

Claim 86 is amended to correct the antecedent basis.

Claim Rejections - 35 USC § 102

7,8. Independent claim 1 is herein amended to specify "a pressure shield," as well as "a connection between said expansion-inducing

tip and said pressure shield through said hollow core" such that "said connection causes said expansion-inducing tip to remain intact during said bullet's flight to a target."

5 Broad does not disclose or suggest a pressure shield, nor does it disclose or suggest that the pressure shield also serve the dual functional role, by virtue of a connection with the expansion-inducing tip, of causing the expansion-inducing tip to remain intact during the bullet's flight to the target.

10 Rather, Broad discloses in Figure 2, and on page 1, lines 69-78, that "the expander *b* is in the form of a tapered body . . . and is provided adjacent to its forward blunt end with a circumferential groove *h* [T]he flange *d* . . . is turned into the said groove *h* of the expander, *whereby it will be apparent that normally the expander will be securely held in the*
15 *body a of the bullet.*" (emphasis added)

Applicant's securely holding the expansion-inducing tip in place using a connection to the pressure shield, through the hollow core, as opposed to Broad's flange and groove arrangement, is clearly not disclosed or suggested by Broad. As such,
20 applicant's claim 1, as amended, and all claims dependent on claim 1, overcome the 102(b) rejection of point 8. This is not to negate or forego the additional points of patentable distinctness, which need not be elaborated here, introduced by the claims which depend from claim 1.

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9. Applicant must respectfully disagree with examiner's assertion that applicant's claims 1-5, 8, 9, 22, 23, and 25 are

anticipated by Wood. Even prior to the amendment discussed in point 8, applicant's claim recited "a hollow core running completely through said bullet from a front of said bullet to a rear of said bullet."

5 Referring to Figures 1, 2, 12, 15 or 16 of Wood, it is stated on page 2 of Wood, left column, starting on line 4, that "The *body* 2 of the improved bullet is of any standard shape and design . . . and the same may be inclosed by a *jacket* 3, provided to take the rifling of the gun barrel, or such jacket may be
10 omitted, as desired." (emphasis added)

Examiner appears, erroneously, to have interpreted the "body 2" in these figures as applicant's "hollow core," and to have interpreted the "jacket 3" as applicant's bullet.

Because Wood does not disclose or suggest "a hollow core running completely through said bullet from a front of said
15 bullet to a rear of said bullet," which is a material recitation of applicant's claim 1, this rejection is overcome. Wood is simply not relevant to applicant's claim 1 and its dependents, because Wood is being incorrectly read and applied by examiner.

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Claim Rejections - 35 USC § 103

10-12. Claims 7 and 10-14 depend upon amended claim 1, which should now be allowable for the reasons cited in points 7-9. As such, these rejections are overcome. It is not necessary here,
25 to discuss the additional points of patentable distinctness introduced by claims 7 and 10-14.

Allowable Subject Matter

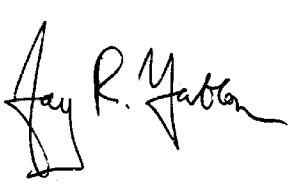
13-14. Applicant appreciates examiner's indication of allowable subject matter.

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Conclusion

15-16. Applicant is hopeful that the amendments and arguments herein overcome all objections and rejections to date, and will result in a notice of allowance in the near future. Again, applicant's counsel respectfully requests a telephone conference
10 prior to any further action, in the event any remaining adjustments need to be made before allowance.

Respectfully submitted,

A handwritten signature in black ink, reading "Jay R. Yablon". The signature is written in a cursive, flowing style. The first name "Jay" is written with a large, stylized "J". The last name "Yablon" is written with a large, stylized "Y". The signature is enclosed in a rectangular box.

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